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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,736	12/28/2004	Giovanni Vertoni	163-592	9273

7590

09/26/2006

James V Costigan
Hedman & Costigan
1185 Avenue of the Americas
New York, NY 10036-2601

EXAMINER

BELLINGER, JASON R

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/519,736	Applicant(s) VERTONI, GIOVANNI	
	Examiner Jason R. Bellinger	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Allowable Subject Matter

1. The indicated allowability of claims 1-11 is withdrawn in view of reconsideration of the reference(s) to Adams et al. Rejections based on the reconsidered reference(s) follow.
2. Due to the reconsideration of the Adams et al reference (see above), the finality of the previous office action is withdrawn.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the supporting rollers of the second movable structure having "different structure and dimensions than the supporting rollers" of the first structure, as set forth in claim 6; and the lubricant chamber "separate and arranged on parallel axes" to the helicoidal spring, as set forth in claim 11, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

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and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 2C, 21, and 9. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities: The specification lacks the proper section headings (see below).

Appropriate correction is required.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Objections

6. Claims 1-11 are objected to because of the following informalities: The phrase "characterized in that" should be removed from the claims, due to the fact that this phrase lacks any physical structure and does not further define the invention. Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

8. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is indefinite due to the fact that the phrase "at least one supporting roller" in lines 12-13 is a double recitation. This limitation has been previously set forth in lines 8-9 of the claim. Therefore, it is unclear whether the "supporting roller" set forth in lines 12-13 are the same as those previously set forth in the claim, or are additional elements of the invention. Claim 1 is further indefinite due to the fact that it is unclear what elements have a non-varying distance between them, as set forth in lines 15-16 of the claim.

Claim 7 is indefinite due to the fact that it is unclear whether the "track-tightener" is the same as the "track-tightening device" as previously set forth in the claims, or is an additional element of the invention.

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Claim 10 is indefinite due to the fact that the phrase "a helicoidal spring" in lines 2-3 is a double recitation. This limitation has been previously set forth in claim 7. Therefore, it is unclear whether the spring set forth in claim 10 is the same as that set forth in claim 7, or is an additional element of the invention.

Claim 11 is indefinite due to the fact that the phrase "a helicoidal spring" in lines 2-3 is a triple recitation. This limitation has been previously set forth in claim 7. Therefore, it is unclear whether the spring set forth in claim 11 is the same as that set forth in claim 7, or is an additional element of the invention.

9. Claim 6 recites the limitation "the first structure" in line 4. There is insufficient antecedent basis for this limitation in the claim. This limitation has not been previously set forth in the claims.

10. Claim 8 recites the limitation "the fixed shoulder" in line 3. There is insufficient antecedent basis for this limitation in the claim. This limitation has not been previously set forth in the claims, given the fact that no definitive physical features of the helicoidal spring has been previously provided.

11. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

13. Claims 1-2, 4-5, and 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Adams et al. As best understood, Adams et al shows a track-tightening device for a crawler assembly. An undercarriage or bogie structure 24 includes elements for carrying a plurality of fixed lower supporting rollers 26, and an idler “back-pull” wheel 20. The structure 24 includes a housing guide system (namely the interaction of the structure 24 and the recoil assembly 30 as shown in Figure 2) for controlled axial sliding of the track-tightening device 30, which is carried by a second movable structure 25. The second movable structure 25 includes fittings (namely the walls of cylinder 36) to interconnect with the guide system. The second movable structure 25 includes an idler wheel 18 and at least one movable supporting roller (unlabelled), and movably interacts with the structure 24 to modify the wheelbase between the idler wheel 18 and idler “pull-back” wheel 20 through axial sliding.

The supporting roller of the second movably structure 25 is capable of following the longitudinal movement of the idler wheel 18, so that the roller is in constant “contact” with the idler wheel 18, and thus the distance therebetween does not vary during the operating life of the vehicle under any operating condition or in any range of the tightening device 30. The second movable structure 25 carries two or more movable

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supporting rollers (as seen in Figure 1). The idler wheel 18 is a front wheel. The movably supporting rollers of the second movable structure 25 have the same dimensions and structure as that of the fixed lower supporting rollers 26.

The track-tightening device 30 is a tightener/shock absorber group having a helicoidal spring 42, which operates in extension, and a chamber 34 filled with injection lubricant. The device 30 acts as an adjustable run end and tightener of the track 28. Calibration means 32 adjusts the longitudinal position of a fixed shoulder 40 of the spring 42 with respect to the undercarriage structure 24. The tightener/shock absorber group includes a cylindrical telescopic guide 36 located coaxially with the spring 42 and lubricant injection chamber 34. The spring 42 and injection chamber 34 are separate and arranged in series on a common axis.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 3, 6, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adams et al. Adams et al contains all of the limitations as set forth in paragraph 12 above, but does not specify that the movable supporting rollers of the second movable structure are arranged as a floating bogie. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to arrange the movable supporting

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rollers as a floating bogie arrangement as an equivalent mounting arrangement, in order to allow vertical and/or axial movement of the rollers with respect to the terrain over which the crawler traverses.

Adams et al does not show the movable supporting rollers having different structure and dimensions than the fixed supporting rollers. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide Adams et al with different sets of rollers dependent upon the purpose of those rollers. For example, the rollers of the second movable structure are meant to follow the movement of the idler wheel (which may include multiple planes of movement), and could therefore be provided with different structure (such as shock absorbing means, etc.) than the fixed rollers that are meant only to move in a single plane; thus reducing wear of the movable rollers.

Adams et al does not show the lubricant injection chamber being arranged on an axis parallel to the spring. One of ordinary skill in the art at the time of the invention would find it obvious to locate the spring and lubricant injection chamber in any manner suitable to allow the spring to be lubricated, dependent on the amount of space available for the tightener/shock absorber device.

Response to Arguments

16. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason R. Bellinger whose telephone number is 571-272-6680. The examiner can normally be reached on Mon - Thurs (9:00-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason R Bellinger
Primary Examiner
Art Unit 3617



9/2/06